

Notice of Allowability

Application No.

10/672,734

Examiner

Victor K. Hwang

Applicant(s)

WANG, SOLEDAD

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment and response filed May 1, 2006.
2. ☒ The allowed claim(s) is/are 5-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

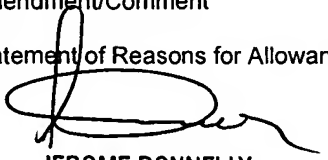
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


JEROME DONNELLY
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The following Examiner's amendment is made because Applicant's response filed May 1, 2006 did not start amendments to the specification on a separate sheet, as required under the Revised Amendment Practice: 37 CFR 1.121.

2. The application has been amended as follows:

In the Specification:

- A) On page 1, delete the following 9 lines:

"CROSS-REFERENCE TO RELATED APPLICATIONS

U.S. Patent Documents

4,189,141	Feb. 19, 1980	Rooney
4,195,833	April 1, 1980	Swendsen
4,280,696	July 28, 1981	Roman
4,823,778	April 25, 1989	Ewing
6,406,405	June 18, 2002	Chu

FEDERALLY SPONSORED RESEARCH Not applicable

SEQUENCE LISTING OR PROGRAM Not applicable"

- B) After page 8, insert the following three pages (pages numbered 9-11):

3. The following is an examiner's statement of reasons for allowance:

With regard to claim 5, the method of toning and developing total facial muscle groups is not disclosed in the prior art, wherein the "means of specifically designed facial weights in varying sizes and shapes" refers to the specific facial weights disclosed in the specification and relied upon in performing the recited twenty facial exercises in the claimed method.

With regard to claim 6, the prior art does not disclose a set of weights comprising the weights as described, wherein at least one weight of the set of weights is elongated in shape having a narrow mid-section and wide ends, at least another weight of the set of weights is irregular in shape with an oval-like shape, and the weights having a flexible water resistant covering with weight material contained therein to provide the individual weights with a weight between 227 gm and 1 kg.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor K. Hwang whose telephone number is (571) 272-4976.

The examiner can normally be reached Monday through Friday from 7:30 AM to 4:00 PM Eastern time.

The facsimile number for submitting papers directly to the examiner for informal correspondence is (571) 273-4976. The facsimile number for submitting all formal correspondence is (571) 273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory L. Huson can be reached on (571) 272-4887.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor K. Hwang
June 16, 2006

These weights are designed to be used while in the supine position and are designed to be used while performing twenty facial exercises. Those exercises are listed below.

5 Exercise 1, designed for the 284 gm oculus weight, consists of placing weight over eye, closing eye tightly, and then releasing.

Exercise 2, designed for the 227 gm oculus weight, consists of placing weight over eye, raising eyebrow, and then relaxing it.

Exercise 3, designed for the 454 gm irregular shaped weight, consists of placing weight over temple, closing eye tightly, and then relaxing.

10 Exercise 4, designed for the 454 gm irregular shaped weight, consists of placing weight below lower eyelid, closing eye tightly, and then relaxing it.

Exercise 5, designed for the 454 gm irregular shaped weight, consists of placing weight as in exercise 4, except raise corner of mouth up toward weight.

15 Exercise 6, designed for the 766 gm irregular shaped weight, consists of placing weight over cheek and raising corner of mouth toward weight.

Exercise 7, designed for the 766 gm irregular shaped weight, consists of placing weight as in exercise 6 except tighten lips, pucker, and stretch lips away from weight.

20 Exercise 8, designed for the 766 gm irregular shaped weight, consists of placing weight over cheek but closer to nose and stretching upper lip over top teeth.

Exercise 9, designed for the 766 gm elongated shaped weight, consists of placing weight over higher part of forehead near hairline and lowering eyebrows.

5 Exercise 10, designed for the 766 gm elongated shaped weight, consists of placing weight over lower part of forehead near brows and raising brows.

10 Exercise 11, designed for the 766 gm elongated shaped weight, consists of placing weight over bridge of nose with center pleats toward brows and wings over lower half of eyes while tightening eyes, and then relaxing.

Exercise 12, designed for the 766 gm elongated shaped weight, consists of placing weight over bridge of nose with center pleats toward lips and wings over checks, and raise brows.

15 Exercise 13, designed for the 766 gm elongated shaped weight, consists of placing weight over bridge as for exercise 12 but wrinkle nose and then relax.

Exercise 14, designed for the 1 kg elongated shaped weight, consists of placing weight as in exercise 12, with lips together smile.

20 Exercise 15, designed for the 1 kg elongated shaped weight, consists of placing weight over bridge of nose as for exercise 12 but move the wings closer to the corner of the mouth, pucker lips, and then relax.

Exercise 16, designed for the 1 kg elongated shaped weight, consists of placing weight as in exercise 15 but stretch upper lip over upper teeth as in exercise 8.

5 Exercise 17, designed for the 1 kg elongated shaped weight, consists of placing weight between nose and upper lip with center pleats toward nose and wings over cheekbones, and with lips together smile.

Exercise 18, designed for the 1 kg elongated shaped weight, consists of placing weight as in exercise 17 except with center pleats toward chin and wings over cheeks, pucker lips and then relax.

10 Exercise 19, designed for the 1 kg elongated shaped weight, consists of placing weight as in exercise 18 except that neck is directly over both lips and then pucker lips.

15 Exercise 20, designed for the 1 kg elongated shaped weight, consists of placing weight as in exercise 19 but over lower lip, and then open and close mouth.